

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

FRANK FISCHER, an individual,        )  
  )  
Plaintiff,                             )  
  )  
v.                                        ) Civil Action No. 2:05-CV-00763  
  )  
SYSCO FOOD SERVICES OF              )  
CENTRAL ALABAMA, INC., et al.,    )  
  )  
Defendants.                           )

**DEFENDANT'S EVIDENTIARY SUBMISSION IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

COMES NOW defendant Sysco Food Services of Central Alabama, Inc., and, in support of its Motion for Summary Judgment, makes the following evidentiary submission.

1. Deposition of Frank Fischer and Defendant's Exhibits 8 through 11, 14, 20, and 23.
  - A. Defendant's Exhibit #8 – Acknowledgment and Receipt of Handbook.
  - B. Defendant's Exhibit #9 – Acknowledgment and Receipt of Manual.
  - C. Defendant's Exhibit #10 – Safety Manual.
  - D. Defendant's Exhibit #11 – Employee Handbook.

- E. Defendant's Exhibit #14 – Acknowledgment and Receipt of Accident Review Policy.
  - F. Defendant's Exhibit #20 – Florida Workers' Compensation Report.
  - G. Defendant's Exhibit #23 – Memorandum on Safety Concerns.
2. Deposition of John Morris.
3. Affidavit of Lynda Wheat, with Exhibits.
- A. Exhibit A – Letter Regarding Termination Appeal.
  - B. Exhibit B – Transcript of August 13, 2004 Appeal Hearing.
  - C. Exhibit C – Transcript of October 6, 2004 Appeal Hearing.
  - D. Exhibit D – Wheat Termination Appeal Memorandum.
  - E. Exhibit E – Ralph Termination Appeal Memorandum.
  - F. Exhibit F – O'Keefe Termination Appeal Memorandum.
  - G. Exhibit G – January 24, 2005 EEOC Notice Form.
  - H. Exhibit H – March 29, 2005 EEOC Dismissal Form.
4. Affidavit of Danny Harpst, with Exhibits.
- A. Exhibit A – Termination Letter.

- B. Exhibit B – Accident Review Policy.
- C. Exhibit C – Alabama Uniform Traffic Accident Report.
- D. Exhibit D – Driver’s Report of Accident.
- E. Exhibit E – Handwritten Statement of Frank Fischer.
- F. Exhibit F – Accident Accountability Statement.
- G. Exhibit G – Supervisor Incident Report.
- H. Exhibit H – Vehicle Event Report.

s/William D. Smith, Jr.

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William D. Smith, Jr. (SMI204)

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/William D. Smith, Jr.

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